

**CITY of EASTPORT  
CITY COUNCIL MEETING**

**WEDNESDAY, FEBRUARY 24<sup>th</sup>, 2021  
EASTPORT CITY HALL - 22 WASHINGTON STREET**

**VIA: ZOOM  
MEETING ID: 850 9948 2061 PASSCODE: 556952**

**EXECUTIVE SESSION - 5:00 P.M.**

(Recording Reference #WS700473)

<u>  x  </u> Personnel Matters	<i>Title 1 M.R.S.A. § 405(6)(A)</i>
<u>  x  </u> Real Property or Economic Development	<i>Title 1 M.R.S.A. § 405(6)(C)</i>
<u>     </u> Labor Negotiations	<i>Title 1 M.R.S.A. § 405(6)(D)</i>
<u>  x  </u> Consultation w/Legal Counsel	<i>Title 1 M.R.S.A. § 405(6)(E)</i>
<u>     </u> Poverty Abatement Application	<i>Title 36 M.R.S.A. § 841</i>

**MOTION LAWRENCE SECOND OJA (PASSED 4-0) TIME: 5:03 p.m.**

To go into Executive Session for Personnel Matters under Title 1 M.R.S.A. § 405(6)(A); for Real Property or Economic Development under Title 1 M.R.S.A. § 405(6)(C); and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

**MOTION PEACOCK SECOND LAWRENCE (PASSED 4-0) TIME: 6:14 p.m.**

To come out of Executive Session.

**Those present:** Councilor Ross Lawrence, Councilor David Oja, Councilor Jeanne Peacock, and Council President, William Boone. Also in attendance was Interim City Manager-Jim Porter, City Clerk-Ella Kowal, and Legal Counsel-Dennis Mahar. **Absent:** Councilor Peter Small.

**Present in the audience: (23-27) ZOOM Participants.**

Samra Kuseybi, HS Staff, Sonya Sullivan, Bonnie Martinolich, Annaleis Hafford w/Olver Associates, Ronald Segien, Tessa Ftorek, Ron DeFilippo, Chris Brown, K. Dunbar, Bill MacDonald w/WCCOG, Amanda Gardner, Steve Trieber/Airport Manager, J. Barron, Suzy Sheppard w/Hoyle & Tanner, Mary Beth Tolson, and there were other participants that were logged in but not specific to names.

## REGULAR COUNCIL MEETING

(Recording Reference #WS700374)

### I. CALL to ORDER by COUNCIL PRESIDENT

Council President Boone called the meeting to order at 6:15 p.m.

### II. ACTION from EXECUTIVE SESSION

There were none.

### III. PUBLIC HEARING(s)

Council President Boone declares the public hearing open at 6:17 p.m.

- Sewer/WWTP - Bond Bank/CWSRF Interim Loan

Council President reaches out to the Interim City Manager, Jim Porter, and he asks if Annaleis Hafford w/Oliver Associates is on the call and she affirms that she is. She reminds Council that they have been working on the Sewer Treatment Plant upgrade project and that it was made up of two different funding agencies. One being Rural Development which has already been established and the other is a Cleanwater SRF (State Revolving Fund) program.

She continues further to say that this is on the remaining funds that were awarded to the City quite some time ago but never officially voted on the monies publicly to be able to use those funds as part of the process for approval. She reaches out to see if the Bond Bank attorney is on the call. Basically, a public meeting is needed to be able to use the funds. She also notes that it is for a \$1,000,000 total, and of that, \$786,800 is forgiven and we are not responsible to pay for that amount. She closes to say that is the remainder amount they need to complete the plant project. She continues to say that they haven't used any of those funds yet as they needed to get it approved and they are at a point where we need to start using these funds.

Councilor Jeanne Peacock asks if they are looking for a motion to approve this from tonight's meeting or will it come in March. Annaleis responds to say that she believed they were looking to have it approved with a motion at this meeting being held tonight and that this is her understanding.

The Bond Bank attorney, Bonnie Martinolich, responds to say that she prepared a Resolution and provided it to the City Clerk and that it would be adopted by Council at this meeting. She continues further to say that the loan is up to a \$1,000,000 and reiterates what Annaleis shared in that there is a forgiveness amount of \$786,800 and that we would have to meet certain requirements to qualify for the forgiveness and it

generally works very well with the Bond Bank and notes it is a good program. She informs that it is for one year and then the Bond Bank would provide then financing for the remaining amount of the \$1,000,000 that is not forgiven.

Council President calls for any further questions or comments from the public or Council. There were none and he thanks Annaleis and Bonnie for their participation in providing clarification and updates.

Councilor Jeanne Peacock asks where at is this on the agenda. The City Clerk responds to say that Council will take this action up under Item IV – Action on Public Hearings. Council President thought it was under Item VII(a) and the Clerk confirms that what he is referencing to is relative to CDBG matters.

There were no further comments and Council President Boone closes the public hearing on the CWSRF Interim Loan at 6:22 p.m.

- Renewal of a Victualer License for Kristen Johnson d/b/a Puffin Haus Inn

Council President Boone declares this public hearing open at 6:23 p.m. and opens the floor for questions and comments from the public and the City Council.

Councilor Jeanne Peacock comments to say that it is a very nice establishment and that we need as many rooms as we can get and makes reference to the recent closing of the Milliken House.

No further questions or comments and Council President Boone declares the public hearing on the renewal of a Victualer License for Kristen Johnson d/b/a Puffin Haus Inn closed at 6:24 p.m.

- New Liquor License Application for Mary Beth Tolson d/b/a Ole Hookers, LLC

Council President Boone declares this public hearing open at 6:25 p.m. and opens the floor for questions and comments from the public and the City Council.

The City Clerk recognizes that Mary Beth Tolson is on the call should we have questions.

Mary Beth Tolson addresses the Council and comments to say that they are very excited and that they are responsible bar owners and have been in this business for over twenty years and still have a business in Kentucky. They run a tight ship and in the future they hope to serve food.

Councilor Jeanne Peacock asks if they are going to be operating from the bottom/street level floor of the location. Mary Beth responds to say “yes” they will be on the bottom floor location.

Councilor Ross Lawrence asks about her establishment in Lexington, Kentucky. Mary Beth responds that she currently still has an Ole Hookers establishment there which is active as of this minute and this is why the husband is not here as he is there tending to that location.

Ron DeFillippo asks if there is a lease signed at this time. Mary Beth responds that they bought the building.

Councilor Jeanne Peacock welcomes them to Eastport and Mary Beth responds with a thank you and also updates that they are in hopes to build a cabin on Deep Cove Road.

Council President calls for further questions or comments. There were none and he welcomes Mary Beth and looks forward to seeing them. She responds that they are very active with fund raisers and that they are big on giving back to the community and Councilor David Oja welcomes them as well.

Council President Boone declares this public hearing closed at 6:26 p.m. recognizing no further questions or comments.

- FY2019 Real Estate Foreclosures
  - (8 Broadway - Tax Map #I6-0D5-07)
  - (4 Meyer Street - Tax Map #D3-0D2-1A/01)
  - (45A Toll Bridge Road Tax Map #D1-0B4-2A)

Council President Boone declares this public hearing open at 6:27 p.m. and opens the floor for questions and comments from the public and the City Council.

Council President updates that they will be tabling the 8 Broadway property as the City Manager is working on this one and then calls for questions or comments on 4 Meyer Street and 45A Toll Bridge Road.

Tax Assessor, Robert Scott, addresses City Council and speaks to the property at 45A Toll Bridge Road. He updates the Council that this is a slim parcel of land which is just under ¼ of an acre and that it is a small piece on the shore with “no access” to it unless one wants to walk across the flats and that it is basically good to only *three* abutters on Toll Bridge Road. He further updates Council that it was left off a deed for the “Grants” who had a double wide with a two-car garage and it was left off the deed when the bank foreclosed on it many years ago and the City sold it in 2011 or 2012. He then makes reference that it is 200 feet wide along the shore line and at the widest piece of it, it is 35 feet deep.

Council President Boone thanks Robert for this info and then comments to say that he cannot imagine anyone putting in a road across the flats to get to it and

notes it does limit the property and hopes that anyone bidding on any of these properties would reach out to City Hall and get information prior to bidding especially if they are looking to build.

Council President Boone calls for further questions or comments and there were none and closes the public hearing.

Council President calls for motions on action on public hearings. The City Clerk asks if they will be discussing 4 Meyer Street and he responded that he had called for questions or comments on both 4 Meyer and 45A Toll Bridge Road. She apologizes if she had missed this.

#### **IV. ACTION on PUBLIC HEARING(s)**

**MOTION PEACOCK SECOND LAWRENCE PASSED (4-0)**

To “*table*” the foreclosure of 8 Broadway and revisit it at the next meeting on 3/10/2021.

The City Clerk addresses Council President with information on 4 Meyer Street and it does not have personal belongs on the outside but that there are personal belongings in the building on the inside.

Legal Counsel, Dennis Mahar, reminds Council that they need a motion on the Resolution for the Sewer Bond Bank that Bonnie and Annaleis spoke to.

**MOTION PEACOCK SECOND LAWRENCE PASSED (4-0)**

To accept and approve the Resolution as submitted and presented for the Sewer Wastewater Treatment Plant for the Bond Bank CWSRF Interim Loan.

**MOTION PEACOCK SECOND OJA PASSED (4-0)**

To approve the renewal of a Victular License for Kristen Johnson d/b/a Puffin Haus Inn.

**MOTION PEACOCK SECOND LAWRENCE PASSED (4-0)**

To approve a new liquor license application for Mary Beth Tolson d/b/a Ole Hookers, LLC.

City Clerk comments to say that she needs clarification on what Council wishes to do with the foreclosed properties and recognizes that they have already addressed the one for 8 Broadway but there still remains 4 Meyer Street and 45A Toll Bridge Road.

Councilor Jeanne Peacock speaks to putting the property out to bid for the taxes and sewer (if applicable) and to consider authorizing the City Manager to determine the bid price. Councilor David Oja asks if that is the motion

that she is making and she responds not a very good one. Councilor Ross Lawrence asks if this is on the 10,12,&14 Stevens and Council President Boone responds with a “no” and Councilor Jeanne Peacock responds to say that they are addressing *4 Meyer Street* and *45A Toll Bridge Road* putting them out to bid. Councilor David Oja responds to say he will second the motion. Councilor Jeanne Peacock comments to say that the Interim City Manager could look at the taxes and sewer due and come up with a reasonable price to put into the paper. Councilor Jeanne Peacock asks Interim City Manager if he is okay with that and he responds that he is.

Council President Boone shares with the City Council that he has had some issues with the bid process that he is not happy with and is hopeful that it can be done in a short amount of time and states that he would like to see a “bid form” that is requested from City Hall that will have pertinent information needed in submitting bids i.e. tax map #, name, address, bid amount, and the deposit. If it doesn't have those, **the bid will not be accepted**. It needs to be clear and he makes reference to bid received at a meeting on December 9, 2020 where there were terrible bids and would like for us to go in a direction to cleaning that up. Councilor Jeanne Peacock agrees and they are hopeful to do this here tonight as a preliminary start. Councilor David Oja and Councilor Ross Lawrence are both in agreement as well. The City Clerk updates that the Interim City Manager and she are currently working on that.

Given the timeline with when the paper comes out, Council President asks that the deadline to be determined by the Interim City Manager and that we address opening of bids at the meeting in April, 2021. Councilor Jeanne Peacock asks if they could have the Interim City Manager set the deadline date and also correlate the date for the April meeting. Council President asks if the Interim City Manager is okay with that and he responds with a “yes”.

**MOTION PEACOCK SECOND OJA PASSED (4-0)**

To approve putting out to bid foreclosed property at 4 Meyer Street and 45A Toll Bridge Road and to also authorize the Interim City Manager, Jim Porter, to set the bid price. Council also gives instruction to give notice to the foreclosed owner of 4 Meyer that they have “**30 days**” to gather their personal belongings.

Discussion took place and Council instructs the Interim City Manager to set the deadline date for the bid and when they bids will be opened.

**V. ADJUSTMENTS to AGENDA**

There were none.

## **VI. UNFINISHED BUSINESS**

Council President Boone makes a request of Council to set a Special Council meeting for Wednesday March 3<sup>rd</sup>, 2021 at 5:00 p.m. for the former owner of 14 Adams Street and the current owner of 12 Adams Street. The initial meeting was set for 2/3/2021 to meet with Council in person and due to weather as well as COVID exposure it was postponed. He would like for this reschedule to be an *“in-person”* meeting in Executive Session at City Hall.

**MOTION** LAWRENCE **SECOND** OJA **PASSED (4-0)**

To reschedule a Special City Council meeting to take place on Wednesday, March 3<sup>rd</sup>, 2021 at 5:00 p.m. for an Executive Session for an in-person meeting with the current owner of 12 Adams Street and who was also the previous owner of 14 Adams Street.

## **VII. NEW BUSINESS**

- a) Council Approval for Council Members to Sign the CDBG Certification Forms [ Fair Housing Resolution; ADA 504 Certification; 504 Self-Evaluation Plan; Standards of Conduct; Residential Antidisplacement & Relocation Assistance Plan; Equal Opportunity Policy Statement ]

The Interim City Manager updates Council that they are required adopt certain rules and standards for CDBG and this is required for Phase II. The City Clerk also notes that Terry Ann Holden w/CDBG and Bill MacDonald w/WCCOG are also on the call should we have any questions.

**MOTION** PEACOCK **SECOND** OJA **PASSED (4-0)**

To approve Council members to sign the CDBG Certification Forms as required for Phase II as referenced and submitted.

- b) Approval of a Council Resolution – CDBG/Toll Bridge Rd. & Middle St. Project

Interim City Manager comments to say that Council held the public hearing at their last meeting on 2/10/2021 and now we are meeting this evening to accept it.

**MOTION** LAWRENCE **SECOND** OJA **PASSED (4-0)**

To accept and approve the Council Resolution as submitted and presented on the CDBG Toll Bridge Road & Middle Street project.

- c) Introduction to New Council Members & Update – Re: Airport

Suzy Sheppard with Hoyle & Tanner addresses the Council and Steve Trieber is recognized as well. With new City Council members and an Interim City

Manager she wanted to introduce herself and bring them up to date and to answer any questions. They were going to have some items to vote on this month, but they chose to address them next month at the March Council meeting.

She makes reference to the letter in their packet that was provided for their review. She makes note of the history in that letter with regard to the airport. There was a project last fall to do some storm water improvements that satisfied a permit that the City acquired through Maine Dept. of Environmental Protection in 2018. This project is mostly done with just a few closeout items that need to be completed.

She then refers to the other project which is redoing the runway and she notes that both of these projects were 100% funded by the FAA. Normally, a project would have 90% FAA funding, 5% State funding; and 5% local funding. This coming year, they have a new project for a Master Plan Update and FAA has yet to say whether there will be 100% funding again and they have not heard yet. Right now, it will still hold a status of 5% local funding. A proposal was put in to the City Manager and it was accepted and it will go before the City Council next month. She updates that the grant application for this is due May 1<sup>st</sup>, 2021 and they would like to target the March meeting for a vote on this. Suzy reaches out to Steve Trieber to see if there is anything that he would like to add and he responds to say that if the Council has questions they can reach out to him by calling or emailing and he can explain what the Master Plan is about or anything related to the airport. He further updates all of Council that Hoyle Tanner are the consultants for the City and that they do hold monthly meetings and should the Council wish to participate to let him know and he will get them included and these meetings are related to airport projects. Suzy comments to say that those meetings are usually held the first Wednesday of the month so that so that it comes a week before the City council meetings and it allows them to prepare what may need to be presented.

She also notes that airports in Maine are receiving COVID funding. Last year we received \$20,000 and this year it is \$9,000 and this is a grant that will be sent to the Interim City Manager and that we should be receiving that sometime soon. Steve explains that this is limited to what we can do with the COVID relief monies and that the FAA sets strict guidelines and that it is not “free money”. He can provide what they call an Advisory Circular of what it can be used for and it must all go to the airport. Councilor Jeanne Peacock asks if it could be explained fairly quickly at tonight's meeting. He explains that it is “CARES” monies and it was relief for airports that lost revenue due to COVID and basically it was to assist to help to pay for employees but we do not have any expenditures such as that but that we do need some improvements at the airport relating to the fuel farm and that they had some discussions with the FAA that “CARES” money will help take care of that and that he has a few other ideas that he is mulling over right now and hopefully we can use the “CARES” money this year for that. He does not believe it will pay the 5% match on the grant as it is not permissible. Steve Trieber also updates that they recently completed and submitted a grant



application for the Small Community Air Development to hopefully assist in getting “Cape Air” started. It was submitted yesterday and that it is under review and hopeful it will be awarded. Council President Boone also recognizes Ron DeFilippo for his work on this as well.

- d) Council Approval for Renewal of Contract Services w/T.G.P. Enterprises, Inc. for Street Sweeping & Basin Cleaning - 3 year period (2021, 2022, & 2023) \$59,825.00

Council President Boone recognizes Howie is on the call to answer any questions. However, we experienced difficulty hearing him. Jim Porter intercedes to say that the quote received was for sweeping and for the cleaning of catch basins and that they have not been bid together before and that we use two different companies and notes the bid is quite high and that it should have been quoted separately. He has not had time to request that the vendor quote and separate it out and that he would like to “table” this until the next meeting, and he believes Howie is okay with that but Howie is unable to respond.

Council President Boone responds to say that he has no problem with tabling it, but that he would like to explore the April cleanup with the high school students again and he does not accept the fact that we cannot do it and he believes if we got a better job at a less price and it is good community support and he would like to see us look at this more before we jump into either contract. He comments to say that we have a Highway Department and that he doesn't know how much of the catch basin project it involves but he does know that they do go around with a big vacuum and is unsure if that is what he is missing, he does not know and feels he needs more clarification.

Councilor Ross Lawrence comments to say that he also would like to say he would appreciate the clarification as well but also notes that with the sweeping of the streets last time, was less than impressive and feels that the City and the kids at the high school would have done a much better job. City Council is good with tabling this until the next meeting and the City Clerk informs them that they will need a motion for that.

**MOTION LAWRENCE SECOND PEACOCK PASSED (4-0)**

To “table and revisit” it at the next Council meeting on Wednesday, March 10<sup>th</sup>, 2021.

- e) Council Approval for Appointment of Municipal Auditors (annually or for a period not to exceed three years per City Charter, Article II, Section 2.09)

Interim City Manager, Jim Porter, makes a request to the City Council to table this item until the next meeting as well.

**MOTION** PEACOCK **SECOND** LAWRENCE **PASSED (4-0)**

To table and revisit it at the next Council meeting on Wednesday, March 10<sup>th</sup>, 2021

- f) Open & Award of Bid for Sale of Condemned 2008 Freightline Bus  
(referenced to VIN #: 4UZABRDJX8CZ62348)

City Clerk updates that the City is in receipt of a total of four bids and notes that one of the bids came in **after** the deadline but also recognizes that we were closed due to the COVID exposure and that the last bid received came in on the 12<sup>th</sup> and the deadline was on the 5<sup>th</sup>.

Council President Boone asks what Councils' feeling is on the last bid received **which came after the deadline**. Councilor Ross Lawrence asks what the postal date was and the Clerk responds it was post stamped with a date of the 10<sup>th</sup> and that it was received on the 12<sup>th</sup> and that the deadline was the 5<sup>th</sup>. His opinion is not to accept it and to not open it. Council President Boone does not feel that it should be opened if we are not going to entertain accepting it where it is past the deadline. City Council is in agreement to open only the ones that made the deadline date which brings them down to the opening of **three** bids.

The City Clerk proceeds with the opening of the bids and the first one is from Keith Hallowell of Pembroke, Maine and his bid is for \$808.00. The second bid opened is from Charles Curtis d/b/a Curtis Excavating of Perry, Maine for a bid of \$670.00 and that it stipulates it would be paid for and removed within "10 days". The third bid opened was received by Council President Boone from Halle Sullivan on February 5<sup>th</sup> at 2:15 p.m. for an amount of \$400.00 with submission of a \$40.00 deposit check. Councilor Jeanne Peacock asks again what the bid amount was for the first bid opened and the City Clerk confirms it was for \$808.00.

**MOTION** LAWRENCE **SECOND** OJA **PASSED (4-0)**

To accept and award the bid for the sale of the 2008 Freightliner bus, reference to VIN #4UZABRDJX8CZ62348, to Keith Hallowell of Pembroke, Maine for the bid amount of \$808.00.

- g) Accept Donation of a Toshiba Model E3040 Copier from the Eastport Port Authority

**MOTION** PEACOCK **SECOND** OJA **PASSED (4-0)**

To accept the donation of a Toshiba Model E3040 Copier from the Eastport Port Authority.

Steve Trieber of the Airport addresses Council and makes reference that there is a need at the airport should we be looking for a place for it. Council President recognized the request but updated that it is already tagged to be utilized within the City.

- h) Re-appointment of Sub-Registrars/Brian Mays; Anthony Giard; Melissa Lawrence (May's Funeral Home)

**MOTION \_\_\_\_\_ PEACOCK      SECOND \_\_\_\_\_ OJA    PASSED (4-0)**

To approve the re-appointment of Brain R. Mays; Anthony Giard; and Melissa I. Lawrence as sub-registrars.

- i) Request for Proposal/Quotes to List w/a Realtor - Sale of City Properties  
10 Stevens Avenue – Tax Map #I7-0C1-03  
12 Stevens Avenue – Tax Map #I7-0C-02 (Tenant Occupied)  
14 Stevens Avenue – Tax Map #I7-0C1-01

The City Clerk updates City Council that no quotes/proposals were received. For the new councilors, Council President Boone updates that this property was put out to bid with a minimum of \$15,000 for all three and that buildings on 10 & 14 had to be removed within four months prior to receiving a deed. They last voted to put it out for an RFQ/RFP to see if a realtor could do better and didn't know if Council had put too many stipulations on it. Councilor Jeanne Peacock comments to say that maybe the bid price was too high possibly given that they had to do the removal too. Council President responds to say that the bid price was what they had into the properties in terms of what was due for taxes and sewer. She understands that but feels that still may have been a sticking point. Council President Boone responds to say that we either need to contract with a realtor to list it for us or put it back out to bid with no stipulations other than with a minimum and hope for the best. Councilor David Oja suggests trying again and put it out to bid. Councilor Ross Lawrence suggests listing it with a realtor "as is where is". It has been put out to reach out to realtors and there was no response. Council President Boone feels we would be better to rebid it with no stipulations. Councilor Ross Lawrence does not feel it is safe to put it back out and feels it is worth more than the minimum. The City Clerk reminds Council that these are three different lots. She updates that on 10 Stevens Avenue there is an amount due in taxes of \$2,200.00 and with Sewer for an amount of \$8,600.00; for 12 Stevens Avenue, which is tenant occupied, the taxes due are a little over \$2,000.00 and the Sewer due is \$845.00; and for 14 Stevens Avenue the taxes due is a little over \$2,000.00 and the Sewer due is over \$2,200.00. Councilor Lawrence said he would need to do more research before he made a decision. Council President Boone questions the fees of \$8,600.00 on the one piece of property and feels something is definitely not right there. City Clerk reminds Council that they do not yet have a second on Councilor Oja's motion. Councilor Ross Lawrence makes a suggestion of maybe 10% of what is owed and Councilor Jeanne Peacock reminds him that is \$15,000 and they did not get that before. Council President updates Councilor Lawrence that they did set a minimum of \$15,000 but with a stipulation that the trailers on 10 & 14 Stevens Avenue needed to be removed within four months. Councilor Jeanne Peacock responds to say that she believes the City is going to have to take a loss on this

and does not feel we are going to get any money back and she also agrees with Council President that the \$8,600 figure is wrong. Councilor Ross Lawrence comments to say that it is not fair for other people that others bidding on other properties is fair and suggests moving on..

Council President asks Councilor David Oja to withdraw his motion and he does. Council Presidents feels that they would be better off to discuss this further at their next meeting on March 10<sup>th</sup>, 2021 and that it wouldn't make the paper in time if they did put it out to bid.

**MOTION**                OJA           **SECOND**                 **PASSED (4-0)**  
To rebid the sale of City properties for 10, 12, & 14 Stevens Avenue

There was no second, the motion was dead.

**MOTION**                LAWRENCE           **SECOND**           PEACOCK           **PASSED (4-0)**  
To *table this and revisit* it at their next meeting on March 10<sup>th</sup>, 2021.

j) Council Approval for the City to Accept Donations - Re: Skate Park

**MOTION**                PEACOCK           **SECOND**           OJA           **PASSED (4-0)**  
To approve and authorize that the City accept skate park donations.

k) Partnership – Skin Cancer Awareness Month – The Dressing a Local Statute

Interim City Manager speaks to the request and that it would be for one day and in support of Skin Cancer Awareness.

**MOTION**                LAWRENCE           **SECOND**           PEACOCK           **PASSED (4-0)**  
To approve the request as submitted and presented for the day specified and to authorize the dressing of the Mermaid Statue for Skin Cancer Awareness.

l) City Clerk Update – Re: Reigstered Business Certificates

The City Clerk updates that Business Certificates have been registered with the the City in the Clerk's office and recognizes Lisa & Jeff Smith d/b/a **Horn Run Brewing** located at **75 Water Street**; Laura Stanczyk d/b/a **The Phoenix on Water Street** at **73 Water Street**; and Mary Beth Tolson d/b/a **Ole Hookers** at **106 Water Street**. No motion needed.

m) Council Liaison/Manager Updates

The Interim City Manager addresses Council and makes a request of Council to consider allowing City Hall to close on Thursdays for a few weeks starting on March 4<sup>th</sup> to allow them to get caught up from being closed due to the COVID exposure and short staffed. Councilor Jeanne Peacock has no issues with that

and only asks that we post it at City Hall and to the website and to be sure that it is publicized. Councilor Ross Lawrence comments to say that given the circumstances, it is a good idea. Council is in agreement and gives the Interim City Manager permission to address this as it is needed.

Councilor Ross Lawrence updates that there isn't a lot going on right now with the Parks and Recreation Committee but that there is participation and work going into raising funds for the Eastport Skate Park. He also updates that Joan Lowden and others are working on resurfacing the Tennis Courts, Pickle Ball, and expanding the Ice Rink.

Council President Boone updates that things are quiet with the Cemetery Committee.

n) Council Approval of Consent Agenda

**MOTION PEACOCK SECOND LAWRENCE PASSED (4-0)**

To accept the Consent Agenda as submitted.

o) Request from Chamber of Commerce – Re: Letter of Support – Fisherman Statue

Council President Boone speaks to this and updates that this request came to him from Chris Brown and recognizes that he is on the call and offers him the opportunity to speak. Basically, the Chamber needs a letter to start a campaign for them to refurbish the Fisherman Statute. Council President Boone also notes that he is now of the knowledge that the statue belongs to the City and appreciates the Chamber taking this task on.

**MOTION LAWRENCE SECOND OJA PASSED (4-0)**

To approve the Chamber of Commerce in theirs efforts of refurbishing the Fisherman statue with campaigning its revitalization.

p) Council Approval to form an Adhoc City Charter Committee  
(on Amending the City Charter with regard to the Hiring & Firing Process)

Council President Boone comments to say that this has been one of his pet peeves since he has been on Council and he does not believe that the City Charter is adequate in allowing City employees to be selected by one person only or the removal of such employee by one person only and that it needs to be addressed. The only way this can be done is by having a committee.

Legal Counsel, Dennis Mahar, responds to say that there is a standing committee on charter and ordinance and believes that Ed French is the only member left on it at this time. Council President responds that Mr. French is the one who has asked that we try and get a committee together and said that the standing committee is more

for a City Charter “entire review” and this committee is more focused on a certain part of the Charter and it doesn't really need an entire review committee and that it just needs an Adhoc Committee and that those are his directions and this is what is being done.

Councilor Ross Lawrence comments to say that he does not feel comfortable forming a committee tonight but would entertain the idea. Council President responds that it is the next item if the Council wants to vote on them they can if they don't they do not have to and Councilor Lawrence responds he understands that and this was his point.

Councilor Lawrence makes a motion that Item VII(p) & VII(q) be tabled until and revisited at the March 10<sup>th</sup>, 2021 meeting.

Council President Boone is confused as to why this is on the agenda twice.

Councilor Jeanne Peacock responds to say that she does not see any reason to move this to March 10 and would like to see this get done tonight. Councilor Lawrence responds to say that he is uncomfortable with it and that he feels rushed.

Council President expounds on this and explains that the committee would reword the Charter and then those proposed changes goes out to referendum where the public votes on them, which we hope to be in June and then if it is passed by the voters it would come out the following year. It is not as if the committee is going to vote on this and it will be done. He doesn't feel another couple of weeks will matter or make a difference. This would allow for the process and time with the printing of the ballots. Legal Counsel addresses the City Clerk and notes that November is probably a more realistic time of when this would be voted on and she agreed as there are time restraints with the process as well as holding a public hearing, etc. She also notes there are specifics to whether it they are revisions or just changes/amendments.

Councilor Lawrence asks how this committee was brought together. Council President responds that he personally spoke to Ed French because he has been on the Charter Committee before and he basically was the one that said that we should have a couple people from the community and does not recall if it was Ed or him that suggested a former Councilor, Mary Repole, and that Ross Argir was a former manager and Council President states that he has asked Ross and Mary should a Councilor be on there and they had no problem with anyone of the Council if they so choose. Council President was under the assumption that that it had to be on the June ballot but if it needs to be November, it give us time and it is quite the process. He is comfortable either way. Councilor Lawrence likes the idea and the fact that it will get done but feel that there may be other interested individuals. Council President responds that it is now about how many

would serve on the committee and that there would be a public hearing where the public is able to participate and comment. Councilor Jeanne Peacock comments to say that we are not proposing what the Charter would say, we are saying it needs to be looked at and we need a committee to do that and then the next item would be appointing people to do that. She reminds Council that is a lot of discussion and debate as to what goes in there.

The City Clerk responds to say that the committee would bring forth to the Council those proposed changes and/or recommendations to the City Council and then they would hold a public hearing on them and they would vote to put them out to referendum. The Clerk reaches out to Legal Counsel to see if there is anything he wishes to add on this. He responds that there are statutes on changing the Charter and is specific to what the time frames are for going forward which is why he shared that June was too soon as the committee needs to do its work and bring it to Council with a 45-day window for Council approval and the referendum itself. He further notes that if you hold a Special Election, then that is an cost to the City. Whereas, it could be coupled with the November election and that would be more realistic goal. Councilor Lawrence responds to say that with this information it changes his mind and he sees that it would be a benefit to get this going earlier. Legal Counsel comments to say that in terms of numbers and concerns with regard to the committee, we can certainly appoint the ones brought forth and add more later.

**MOTION PEACOCK SECOND OJA PASSED (4-0)**

To approve the formation of an Adhoc City Charter Committee as requested.

- q) Appointment of Ed French, Mary Repole, and Ross Argir as members of the Adhoc City Charter Committee and to Also Appoint Council Liaison

Councilor Lawrence offers up serving as the Council Liaison to the Adhoc City Charter Committee.

**MOTION PEACOCK SECOND OJA PASSED (4-0)**

To appoint Ed French, Mary Repole, and Ross Argir as members of the Adhoc City Charter Committee, and to also appoint Councilor Ross Lawrence as the Council Liaison.

## **VIII. COUNCIL ISSUES**

Councilor Jeanne Peacock recognizes that the meeting is ending before 8:00 p.m.

Councilor Ross Lawrence addresses Council President Boone and that the monotone of his voice comes across that he is not sure if he is asking a question or making a statement.

Councilor Jeanne Peacock makes an announcement from Bill MacDonald and updates with regard to COVID information that Machias at Down East Hospital has places on their waiting list for their vaccination clinic this Friday and that it is for those who are seventy and over and she makes reference to the link on the chat.

Council President states that he appreciates the Council that he is working with and believes that they are making great strides and moving forward and he is supported by the community members joining with the Council and he intends to this motivation moving.

**IX. ADJOURN**

**MOTION** OJA      **SECOND** LAWRENCE **PASSED (4-0) TIME: 7:40 P.M.**  
To adjourn.